Reprinted
February 18, 2025

SENATE BILL No. 324

DIGEST OF SB 324 (Updated February 17, 2025 2:39 pm - DI 106)

Citations Affected: IC 5-2; IC 11-12; IC 31-19; IC 35-33; IC 35-42; IC 35-44.1; IC 35-47; IC 35-48; IC 35-50.

Synopsis: Criminal penalties. Increases the penalty levels of crimes related to fentanyl and methamphetamine. Increases the penalty levels of battery against a public safety official, battery resulting in moderate bodily injury, battery resulting in serious bodily injury, battery against a public safety official that results in bodily injury, battery against an endangered adult resulting in serious bodily injury, battery against a child that results in serious bodily injury, battery that results in death, and aggravated battery. Increases the penalty for resisting law enforcement and interfering with public safety under certain circumstances. Requires certain persons charged with a crime of domestic violence to wear a monitoring device as a condition of bail. Requires that a bail hearing for a violent arrestee be held in open court, within 48 hours, and sets minimum bail requirements for the release of a repeat violent arrestee. Makes conforming changes.

Effective: July 1, 2025.

Freeman, Koch, Carrasco

January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.
January 28, 2025, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 13, 2025, reported favorably — Do Pass.
February 17, 2025, read second time, amended, ordered engrossed.

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February 18, 2025

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-22-1, AS AMENDED BY P.L.161-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Crime of child abuse" means:

(A) neglect of a dependent (IC 35-46-1-4) if the dependent is a child and the offense is committed under:

(i) IC 35-46-1-4(a)(1);

(ii) IC 35-46-1-4(a)(2); or

(iii) IC 35-46-1-4(a)(3);

(B) child selling (IC 35-46-1-4(d));

(C) a sex offense (as defined in IC 11-8-8-5.2) committed against a child; or

(D) battery against a child under:

(i) ~~IC 35-42-2-1(e)(3)~~ **IC 35-42-2-1(e)(1)** (battery on a child);

(ii) ~~IC 35-42-2-1(g)(5)(B)~~ **IC 35-42-2-1(g)(6)(A)** (battery

causing bodily injury to a child);

(iii) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery causing serious bodily injury to a child); or

(iv) ~~IC 35-42-2-1(k)~~ **IC 35-42-2-1(l)** (battery resulting in the death of a child).

(2) "Office" refers to the office of judicial administration created under IC 33-24-6-1.

(3) "Registry" means the child abuse registry established under section 2 of this chapter.

SECTION 2. IC 11-12-3.7-6, AS AMENDED BY P.L.78-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) **Level 1 felony,** Level 2 felony, Level 3 felony, **Level 4 felony,** or Level 5 felony (for a crime committed after June 30, 2014).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(11) Incest (IC 35-46-1-3).

(12) Robbery (IC 35-42-5-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).

(13) Burglary (IC 35-43-2-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(14) Carjacking (IC 35-42-5-2) (repealed).

(15) Assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(16) Escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).

(17) Trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(18) Causing death or catastrophic injury when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 3 felony (for a crime committed after June 30, 2014).

(20) Arson (IC 35-43-1-1) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).

(22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3 before its repeal) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony (for a crime committed after June 30,

2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

(26) Sexual misconduct with a service provider (35-44.1-3-10) as a Level 4 felony.

(27) Any other crimes evidencing a propensity or history of violence.

SECTION 3. IC 31-19-9-10, AS AMENDED BY P.L.142-2020, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(F) child molesting (IC 35-42-4-3) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest (IC 35-46-1-3) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent (IC 35-46-1-4) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery (IC 35-42-2-1) of a child as a:

(i) Class C felony, for a crime committed before July 1, 2014; or

(ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery (IC 35-42-2-1) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) **Level 1,** Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony; or

(L) aggravated battery (IC 35-42-2-1.5) as a ~~Level 3~~ **Level 2** or Level 1 felony;

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 4. IC 35-33-8-3.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 3.4. (a) This section applies only to a violent arrestee.**

(b) The following definitions apply throughout this section:

(1) "Crime of violence" means an offense:

(A) described in IC 35-50-1-2(a); and

(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5 felony.

(2) "Default bail schedule" means the following minimum bail amounts, based on the most serious charged crime:

(A) For murder, no bail.

(B) For a Class A felony, Level 1 felony, or Level 2 felony, fifty thousand dollars ($50,000).

(C) For a Class B felony, Level 3 felony, or Level 4 felony, twenty thousand dollars ($20,000).

(D) For a Class C felony or Level 5 felony that is a crime of domestic violence, twenty-five thousand dollars ($25,000).

(E) For a Class C felony or Level 5 felony that is not a crime of domestic violence, seven thousand five hundred dollars ($7,500).

(F) For a Class D felony or Level 6 felony, five hundred dollars ($500).

(3) "Minimum bail amount" means:

(A) if:

(i) the court has adopted a bail schedule, the bail amount

prescribed for a particular offense in the court's bail schedule; or

(ii) the court has not adopted a bail schedule, the default bail schedule; or

(B) if the violent arrestee has a prior conviction for a crime of violence, twice the bail amount prescribed for a particular offense in the court's bail schedule or default bail schedule (whichever applies) for a violent arrestee without a prior conviction for a crime of violence;

as applicable.

(4) "Repeat violent arrestee" means a person arrested for or charged with a crime of violence who has a prior conviction for a crime of violence.

(5) "Violent arrestee" means a person arrested for or charged with a crime of violence.

(c) A violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant.

(d) A repeat violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a repeat violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant. If a court releases a repeat violent arrestee on bail, the court must impose bail in an amount that equals or exceeds the minimum bail amount for the repeat violent arrestee's most serious offense.

(e) A third party may not pay money bail imposed under this section on behalf of a repeat violent arrestee (even for the portion that exceeds the minimum bail amount) unless the third party is a close relative (as defined in IC 33-23-11-2) of the repeat violent arrestee.

SECTION 5. IC 35-33-8-11, AS AMENDED BY P.L.84-2022,

SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) **Except as provided in subsection (c),** a court may require a person who has been charged with a crime of domestic violence (as described in IC 35-31.5-2-78) to wear a monitoring device as a condition of bail.

(b) A court may order a person who is required to wear a monitoring device under subsection (a) to pay any costs associated with the monitoring device.

(c) A court shall require a person to wear a monitoring device as a condition of bail if the person:

(1) is charged with a crime of domestic violence (as described in IC 35-31.5-2-78);

(2) has a prior unrelated conviction for a violent offense (as described in IC 11-12-3.7-6); and

(3) has at least one (1) prior conviction for invasion of privacy (as described in IC 35-46-1-15.1).

SECTION 6. IC 35-42-2-1, AS AMENDED BY P.L.148-2024, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) As used in this section, "public safety official" means:

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;

(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;

(4) a probation officer;

(5) a parole officer;

(6) a community corrections worker;

(7) a home detention officer;

(8) a department of child services employee;

(9) a firefighter;

(10) an emergency medical services provider;

(11) a judicial officer;

(12) a bailiff of any court; or

(13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

(1) a spouse;

(2) a parent or stepparent;

(3) a child or stepchild;

(4) a grandchild or stepgrandchild;

(5) a grandparent or stepgrandparent;

(6) a brother, sister, stepbrother, or stepsister;
(7) a niece or nephew;
(8) an aunt or uncle;
(9) a daughter-in-law or son-in-law;
(10) a mother-in-law or father-in-law; or
(11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; or
(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

(1) results in bodily injury to any other person; or
(2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

~~(1) The offense results in moderate bodily injury to any other person.~~
~~(2) The offense is committed against a public safety official while the official is engaged in the official's official duty, unless the offense is committed by a person detained or committed under IC 12-26.~~
~~(3)~~ **(1)** The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
~~(4)~~ **(2)** The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
~~(5)~~ **(3)** The offense is committed against an endangered adult (as defined in IC 12-10-3-2).
~~(6)~~ **(4)** The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a

resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

~~(1) The offense results in serious bodily injury to another person.~~

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery or strangulation offense included in this chapter against the same victim.

(5) The offense is committed against a public safety official while the official is engaged in the official's official duty, unless the offense is committed by a person detained or committed under IC 12-26.

~~(5)~~ **(6)** The offense results in bodily injury to one (1) or more of the following:

~~(A) A public safety official while the official is engaged in the official's official duties, unless the offense is committed by a person detained or committed under IC 12-26.~~

~~(B)~~ **(A)** A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

~~(C)~~ **(B)** A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

~~(D)~~ **(C)** An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official, unless the offense is committed by a person detained or

committed under IC 12-26.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if **one (1) or more of the following apply:**

(1) The offense results in serious bodily injury to another person. ~~it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).~~

(2) The offense results in bodily injury to a public safety official while the official is engaged in the official's official duties, unless the offense is committed by a person detained or committed under IC 12-26.

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in ~~serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.~~ **serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).**

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

~~(k)~~ **(l)** The offense described in subsection (c)(1) or (c)(2) is a ~~Level 2~~ **Level 1** felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 7. IC 35-42-2-1.5, AS AMENDED BY P.L.158-2013, SECTION 422, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1.5. A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death or causes:

(1) serious permanent disfigurement;

(2) protracted loss or impairment of the function of a bodily member or organ; or

(3) the loss of a fetus;

commits aggravated battery, a ~~Level 3~~ **Level 2** felony. However, the offense is a Level 1 felony if it results in the death of a child less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

SECTION 8. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement

officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

(c) The offense under subsection (a) or (b) is a:

(1) ~~Level 6~~ **Level 5** felony if:

(A) the person uses a vehicle to commit the offense; or

(B) while committing the offense, the person:

(i) draws or uses a deadly weapon;

(ii) inflicts bodily injury on or otherwise causes bodily injury to another person; or

(iii) operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) ~~Level 5~~ **Level 4** felony if:

(A) while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person; or

(B) the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;

(3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a firefighter, an emergency medical services provider, or a law enforcement officer while the firefighter, emergency medical services provider, or law enforcement officer is engaged in the firefighter's,

emergency medical services provider's, or officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

(e) If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (e) may not be suspended.

(g) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (c)(2); or

(3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(h) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(i) A person who commits an offense described in subsection (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a

violation of subsection (c).

(j) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

(k) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

SECTION 9. IC 35-47-4-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of committing a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) attempted murder (IC 35-41-5-1);

(3) voluntary manslaughter (IC 35-42-1-3);

(4) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(5) battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or

(B) **Level 1 felony,** Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(6) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

(7) aggravated battery (IC 35-42-2-1.5);

(8) strangulation (IC 35-42-2-9);

(9) kidnapping (IC 35-42-3-2);

(10) criminal confinement (IC 35-42-3-3);

(11) a human or sexual trafficking offense under IC 35-42-3.5;

(12) rape (IC 35-42-4-1);

(13) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(14) child molesting (IC 35-42-4-3);
(15) sexual battery (IC 35-42-4-8) as a:
(A) Class C felony, for a crime committed before July 1, 2014; or
(B) Level 5 felony, for a crime committed after June 30, 2014;
(16) robbery (IC 35-42-5-1);
(17) carjacking ~~(IC 5-42-5-2)~~ **(IC 35-42-5-2)** (before its repeal);
(18) arson (IC 35-43-1-1(a)) as a:
(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
(19) burglary (IC 35-43-2-1) as a:
(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
(20) assisting a criminal (IC 35-44.1-2-5) as a:
(A) Class C felony, for a crime committed before July 1, 2014; or
(B) Level 5 felony, for a crime committed after June 30, 2014;
(21) resisting law enforcement (IC 35-44.1-3-1) as a:
(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
(B) Level 2 felony, Level 3 felony, **Level 4 felony,** or Level 5 felony, for a crime committed after June 30, 2014;
(22) escape (IC 35-44.1-3-4) as a:
(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
(23) trafficking with an inmate (IC 35-44.1-3-5) as a:
(A) Class C felony, for a crime committed before July 1, 2014; or
(B) Level 5 felony, for a crime committed after June 30, 2014;
(24) criminal organization intimidation (IC 35-45-9-4);
(25) stalking (IC 35-45-10-5) as a:
(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
(26) incest (IC 35-46-1-3);

(27) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
(28) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);
(29) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
(30) dealing in a schedule IV controlled substance (IC 35-48-4-3);
(31) dealing in a schedule V controlled substance (IC 35-48-4-4); or
(32) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 10. IC 35-48-4-1, AS AMENDED BY P.L.48-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:
(A) manufactures;
(B) finances the manufacture of;
(C) delivers; or
(D) finances the delivery of;
cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or
(2) possesses, with intent to:
(A) manufacture;
(B) finance the manufacture of;
(C) deliver; or
(D) finance the delivery of;
cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but

less than five (5) grams;

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies; **or**

(3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams. ~~or~~

~~(4) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least one (1) gram but less than three (3) grams.~~

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams;

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies;

(3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams;

(4) the drug is heroin and:

(A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and

(B) an enhancing circumstance applies; **or**

~~(5) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; or~~

~~(6) the drug is a fentanyl containing substance and:~~

~~(A) the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least one (1) gram but less than three (3) grams; and~~

~~(B) an enhancing circumstance applies.~~

(5) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least one (1) gram but less than three (3) grams.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams;

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;

(3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at

least twelve (12) grams;

(4) the drug is heroin and:

(A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; and

(B) an enhancing circumstance applies;

~~(5) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams; or~~

~~(6) the drug is a fentanyl containing substance and:~~

~~(A) the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and~~

~~(B) an enhancing circumstance applies.~~

(5) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; or

(6) the drug is a fentanyl containing substance and:

(A) the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least one (1) gram but less than three (3) grams; and

(B) an enhancing circumstance applies.

(f) The offense is a Level 1 felony if:

(1) the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams; or

(2) the drug is a fentanyl containing substance and:

(A) the amount of fentanyl containing substance involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and

(B) an enhancing circumstance applies.

SECTION 11. IC 35-48-4-1.1, AS AMENDED BY P.L.252-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) delivers; or

(B) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:
(A) deliver; or
(B) finance the delivery of;
methamphetamine, pure or adulterated;
commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:
(1) there is evidence in addition to the weight of the drug that the person intended to deliver or finance the delivery of the drug; or
(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a ~~Level 4~~ **Level 3** felony if:
(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a ~~Level 3~~ **Level 2** felony if:
(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a ~~Level 2~~ **Level 1** felony if:
(1) the amount of the drug involved is at least ten (10) grams; or
(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

SECTION 12. IC 35-48-4-1.2, AS ADDED BY P.L.252-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1.2. (a) A person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a ~~Level 4~~ **Level 3** felony, except as provided in subsections (b) and (c).

(b) The offense is a ~~Level 3~~ **Level 2** felony if:
(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(c) The offense is a ~~Level 2~~ **Level 1** felony if:
(1) the amount of the drug involved is at least ten (10) grams;
(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;
(3) the manufacture of the drug results in serious bodily injury to

a person other than the manufacturer; or

(4) the manufacture of the drug results in the death of a person other than the manufacturer.

SECTION 13. IC 35-50-1-2, AS AMENDED BY P.L.142-2020, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1) as a:

(A) Level 1 felony;

~~(A)~~ **(B)** Level 2 felony;

~~(B)~~ **(C)** Level 3 felony;

~~(C)~~ **(D)** Level 4 felony; or

~~(D)~~ **(E)** Level 5 felony.

(7) Domestic battery (IC 35-42-2-1.3) as a:

(A) Level 2 felony;

(B) Level 3 felony;

(C) Level 4 felony; or

(D) Level 5 felony.

(8) Aggravated battery (IC 35-42-2-1.5).

(9) Kidnapping (IC 35-42-3-2).

(10) Rape (IC 35-42-4-1).

(11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(12) Child molesting (IC 35-42-4-3).

(13) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

(14) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

(15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

(16) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).

(17) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).

(19) Resisting law enforcement as a felony (IC 35-44.1-3-1).

(20) Unlawful possession of a firearm by a serious violent felon

(IC 35-47-4-5).

(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:

(1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.

(2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.

(3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.

(4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.

(5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.

(6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, delete lines 18 through 26, begin a new paragraph and insert:

"SECTION 4. IC 35-33-8-3.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 3.4. (a) This section applies only to a violent arrestee.**

(b) The following definitions apply throughout this section:

(1) "Crime of violence" means an offense:

(A) described in IC 35-50-1-2(a); and

(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5 felony.

(2) "Default bail schedule" means the following minimum bail amounts, based on the most serious charged crime:

(A) For murder, no bail.

(B) For a Class A felony, Level 1 felony, or Level 2 felony, fifty thousand dollars ($50,000).

(C) For a Class B felony, Level 3 felony, or Level 4 felony, twenty thousand dollars ($20,000).

(D) For a Class C felony or Level 5 felony that is a crime of domestic violence, twenty-five thousand dollars ($25,000).

(E) For a Class C felony or Level 5 felony that is not a crime of domestic violence, seven thousand five hundred dollars ($7,500).

(F) For a Class D felony or Level 6 felony, five hundred dollars ($500).

(3) "Minimum bail amount" means:

(A) if:

(i) the court has adopted a bail schedule, the bail amount prescribed for a particular offense in the court's bail schedule; or

(ii) the court has not adopted a bail schedule, the default bail schedule; or

(B) if the violent arrestee has a prior conviction for a crime of violence, twice the bail amount prescribed for a particular offense in the court's bail schedule or default bail schedule (whichever applies) for a violent arrestee

without a prior conviction for a crime of violence;

as applicable.

(4) "Repeat violent arrestee" means a person arrested for or charged with a crime of violence who has a prior conviction for a crime of violence.

(5) "Violent arrestee" means a person arrested for or charged with a crime of violence.

(c) A violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant.

(d) A repeat violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a repeat violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant. If a court releases a repeat violent arrestee on bail, the court must impose bail in an amount that equals or exceeds the minimum bail amount for the repeat violent arrestee's most serious offense.

(e) A third party may not pay money bail imposed under this section on behalf of a repeat violent arrestee (even for the portion that exceeds the minimum bail amount) unless the third party is a close relative (as defined in IC 33-23-11-2) of the repeat violent arrestee.".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 324 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 1.

COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 324 as printed January 29, 2025.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 3

SENATE MOTION

Mr. President: I move that Senate Bill 324 be amended to read as follows:

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 7. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

(c) The offense under subsection (a) or (b) is a:

(1) ~~Level 6~~ **Level 5** felony if:

(A) the person uses a vehicle to commit the offense; or

(B) while committing the offense, the person:

(i) draws or uses a deadly weapon;

(ii) inflicts bodily injury on or otherwise causes bodily injury to another person; or

(iii) operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) ~~Level 5~~ **Level 4** felony if:

(A) while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person; or

(B) the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;

(3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a firefighter, an emergency medical services provider, or a law enforcement officer while the firefighter, emergency medical services provider, or law enforcement officer is engaged in the firefighter's, emergency medical services provider's, or officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

(e) If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (e) may not be suspended.

(g) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
(2) subsection (c)(2); or
(3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(h) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(i) A person who commits an offense described in subsection (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (c).

(j) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

(k) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

(1) was in the marked off area; and
(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.".

Page 11, line 30, after "Level 3 felony," insert "**Level 4 felony,**".

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as printed February 14, 2025.)

BALDWIN

SENATE MOTION

Mr. President: I move that Senate Bill 324 be amended to read as follows:

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 8. IC 35-33-8-11, AS AMENDED BY P.L.84-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) **Except as provided in subsection (c),** a court may require a person who has been charged with a crime of domestic violence (as described in IC 35-31.5-2-78) to wear a monitoring device as a condition of bail.

(b) A court may order a person who is required to wear a monitoring device under subsection (a) to pay any costs associated with the monitoring device.

(c) A court shall require a person to wear a monitoring device as a condition of bail if the person:

(1) is charged with a crime of domestic violence (as described in IC 35-31.5-2-78);

(2) has a prior unrelated conviction for a violent offense (as described in IC 11-12-3.7-6); and

(3) has at least one (1) prior conviction for invasion of privacy (as described in IC 35-46-1-15.1).".

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as printed February 14, 2025.)

QADDOURA